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EXAMINER	
CHOW, CHARLES CHIANG	
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 09/607,790	Applicant(s) STUMPERT, MARTIN	
	Examiner Charles Chow	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 December 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-28* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-28* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 June 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *4* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Detailed Action

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

1. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek, Jr. et al. (US 6,324,279 B1) in view of Valentine et al. (US 6,353,607 B1).

Regarding **claim 1**, Kalmanek Jr. et al. (also as Kalmanek below) discloses a method of setting up a call (between calling and called party, abstract) in a communication (comm.) network system (col. 3, lines 40-52), with separation of call control and bearer control (the exchanging of messages for setting up the call for the call control, and the exchanging of messages for connecting the call for the bearer control, are processed in a separate, distinct two phases, col. 12, lines 39-48; Valentine-'607 below teaches the wireless communication network in abstract, col. 2, line 5, figure in cover page).

Kalmanek discloses the receiving a service request for a call, the request originating internal to the wireless comm. network, or external to the comm. network, because Kalmanek discloses the calling parties and called parties are located in different types of networks, col. 3, lines 40-53), which is for either internal or external to the network.

Kalmanek disclose the call being intended for a selected destination (the destination is for called party, col. 12, lines 64-65; the destination is decided based upon the gate allocation for the call setup, in col. 33, line 55 to col. 34, line 20, and the assigned gateID, col. 34, lines 61-67).

Kalmanek discloses the analyzing the service request and the call origin, because Kalmanek discloses the analyzing in the authenticating of the calling party's identity for authorizing the call service connection (col. 6, lines 53-56).

Kalmanek discloses the selecting at least one media gateway (the gate controller selects the gate based on the specific source, destination, and bandwidth restriction, such that the broadband telephone interface BTI could be able to request resource allocations within the limits imposed by the gate controller (col. 33, lines 60-64).

Kalmanek discloses the allocation of the gate, the establishing of a gateID, and the gatesetup, for selecting one media gateway (in col. 34, lines 11-20, col. 34, lines 21-47) to switch a user plane (customer profile in data base 140, 141, col. 10, lines 16-19), for handling the call dependent on the result of said analysis (the allocating result from Gate controller and Edge router's resource control in the resource allocation, col. 33, lines 56-64).

Kalmanek discloses communicating with the media gateway to setup bearer control for the call, because Kalmanek discloses the gate setup for call connection (in col. 34, line 46 to col. 35, line 22), the gateopen for connection (in col. 38, lines 21-25), and the call start (in col. 44, lines 50-53).

Kalmanek does not clearly indicate the wireless comm. network.

Valentine et al. (also as Valentine-'607 below) teaches wireless network (figure in cover page; wireless network in abstract; col. 2, line 5; the two networks, PLMN 50, IP network 100, Fig. 3), for handover using IP address. The MSC sends IP address of the selected media gateway (74 or 76) for handover to reduce further use of circuit connection (abstract; col. 1, lines 4-9; col. 1, line 60 to col. 2, line 3). Valentine-'607 teaches the transmitting the request for IP network address from second MSC to corresponding media gateway, and the transmitting of IP address from the second MSC to first MSC (col. 1, lines 61-67). Valentine-'607 teaches the first MSC transmitting the control message to media gateway to redirect call (col. 2, lines 1-4). Valentine-'607 provides the techniques for redirecting the IP network address to reduce the circuit connections (above), such that the system could be operated efficiently by reducing the circuit connections. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kalmanek, and to include Valentine-607's redirecting the IP network address for the call to reduce the circuit connections, such that the system could be operated efficiently by reducing the circuit connections.

Regarding **claim 2**, Kalmanek discloses a call in different network between calling party and called party (above). Valentine-'607 teaches wireless network (above). Kalmanek has shown above the selecting of a single media gateway for handing the call. Beside, Valentiene-'607 also has shown above, the requesting of the IP network address for redirect the call to a selected media gateway.

2. Claims 3-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek in view of Valentine-'607, and further in view of Rautiola et al. (US 5,956,331).

In the above, it does not clearly indicate the call is from external to a mobile inside network.

Regarding **claim 3**, Rautiola et al. (also as Rautiola below) teaches the integrated system having radio local area network in hyperlan, 3a-3f. The system includes the network for internet 6, network for MSC, base station and mobile station (figure in cover page, abstract). Rautiola teaches the means to selecting a single gateway among gateways for handling call in col. 15, lines 26-47; plurality of gateways in col. 15, line 38), based on the speed of data transmission at the gateway. Rautiola teaches the establishing of the connection between radio local area network and MSC having protocol conversion (in col. 16, lines 60-67). Rautiola provides a solution for global call connection of the integrated networks based on the speed of data transmission (above), such that the selecting of the gateway connection could be reliable by considering of the speed capacity of the gateway (above). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Kalmanek above, and to include Rautiola's global call connection of the integrated networks based on the speed of data transmission (above), such that the selecting of the gateway connection could be reliable by considering of the speed capacity of the gateway.

Regarding **claim 4**, referring to Valentine-'607 the external to external call connection in between networks 50, 100, and the selecting third, fourth gateway (col. 16, line 29; col. 16, lines 38) from Rautiola.

Regarding **claim 5**, referring to Rautiola's claim 1 above for the media gateway selected from among plurality of gateway, based on the speed of the data transmission.

Regarding **claim 6**, referring to Kalmanek above, the selection of the gateway is based on the traffic load at specific destination (col. 48, lines 36-42), the bandwidth consideration condition (above), for applicant's selected destination for the call.

Regarding **claim 7**, referring to claim 3 above, for the internal network call to external network in the integrated networks (Rautiola) having internet, mobile network with MSC, and radio local area network for selecting a single media gateway from plurality of gatways.

Regarding **claim 8**, referring to Rautiola for the selecting a gateway from among plurality of gateways, according to the speed of data transmission capability of the gateway.

Regarding **claim 9**, referring to Kalmanek for the selecting of the gateway based on the traffic loading condition at the specific destination (col. 48, lines 36-42) and bandwidth consideration.

Regarding **claim 10**, Kalmanek discloses the holding of a call for the three way calling, (in col. 57, lines 19-26). Kalmanek has shown above the selecting of the gateway is based on the traffic loading conditions, if held call can not be used to select an MGW based on the traffic conditions.

Regarding **claim 11**, Kalmanek has shown above the separation of call control and bearer control. Valentine-'607 has shown the wireless network, the on control node MSC 12, 14 (figure in cover page), for determining the media gateway for routing user profile plane (Kalmanek). Kalmanek, Valentine-'607 has shown above the requesting resources from MGW. Valentine-'607 has shown above the MSC node for transmitting IP network address

to other MSC (col. 1, line 60 to col. 2, line 4). Rautiola has shown above the selecting of the further gateways, the third, fourth gateway for connecting the call.

Regarding **claim 12,** Valentine-'607 above has shown the control node MSC for selecting the media gateway MGW using the IP network address for the bearer control.

3. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek in view of Valentine-'607, as applied to claim 11 above, and further in view of Joensuu et al. (US 5,878,347).

In the above, it does not include the further control node is a gateway MSC.

Regarding **claim 13**, Joensuu et al. (also as Joensuu below) teaches the GMSC 80 (figure in cover page, abstract) for mobile station 30. Joensuu consider the new HLR retrieves the routing information for the gateway to utilize for routing the call (abstract), for the claimed control node gateway MSC for controlling the call. Joensuu considers the centralized database having routing information and the GMSC for controlling the call (col. 2, lines 1-24), such that the system could be operated efficiently by retrieving the network address from the centralized data base independent of the relocation of the mobile station. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Kalmanek above, and to include Joensuu's centralized database having routing information, and the GMSC for controlling the call, such that the system could be operated efficiently by efficiently retrieving the network address from the

centralized data base. Rautiola has shown above the further controlling of the node selection for the third, fourth node.

Regarding **claim 14**, referring to claim 13 above for the GMSC, and second MSC 12, 14, from Valentine-'607.

Regarding **claim 15**, referring to Joensuu for the transit switching center performed by the gateway mobile switching center GMSC (in col. 8, lines 30-38) for routing the incoming call for MSC based on the retrieved network address for that MSC. The GMSC performs the transit switch function for MSCs.

4. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek in view of Valentine-'607, Joensuu, as applied to claim 13 above, and further in view of Valentine et al. (US 6,219,546).

Regarding **claim 16**, Valentine-'607 has shown above, the logical point identifying received resources in the MGW. The IP address 80, 82 of the MGW as the identifier for referencing the MGW 74, 76 (col. 5, lines 20-24) for selecting resources.

In the above, it does not include the transferring of the identification of the logical point. Regarding **claim 17**, Valentine et al. (also as Valentine-'546 below) teaches the reallocating satellite gateway having GMSC 23, gateway s GW-1, GW-2 (abstract, figure in cover page).

Valentine-'546 teaches (his claims 6, 9) the rerouting call to backup gateway, and the re-configuration of the backup gateway when primary gateway fails. The routing number is returning to the GMSC. In col. 8, lines 25-30, the logical point gateway identifier is found for the backup gateway. Valentine-'546 teaches the technique using a backup gateway, when primary gateway fails (above), such that the system could reroute the call using the backup gateway without dropping the call (col. 2, lines 15-21). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Kalmanek above, and to include Valentine-'546's backing up gateway for the primary gateway, such that the system could reroute the call using the backup gateway without dropping the call.

Regarding **claim 18**, referring to claims 16, 17 above for the plurality of control nodes MSCs 12, 14; the requesting resources among gateways for handling user profile plane; the logical point; the identifying one of the logical point, gateID, in response to the request for resources.

5. Claims 19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek in view of Valentine-'607, Joensuu, Valentine-'546, as applied to claim 16 above, and further in view of Kung et al. (US 6,373,817).

In the above, it does not clearly indicate the plural MGW resources. transcoder, conference call device, modem, tone generator, framing device, announcement device.

Regarding **claim 19**, Kung et al. (also as Kung below) teaches the call routing system no matter where the called party is located, in a multi-network accessing, using gateway 120 (abstract, figure in cover, Fig. 1-4). Kung teaches the gateway resource, announcement service AS server 220 is utilizing the protocol from H.gcp (col. 9, line 66 to col. 10, line 12). Kung teaches the conference call service is utilizing H.gcp protocol (col. 13, lines 36-43). Kung teaches the gateway resources, modem, translator, device control protocol H.gcp in col. 20, lines 41-49). Kung provides routing calls in multiple network no matter where the called party is located, having resources shown above, such that call could be controlled with more routing options, and call forwarding option remotely via internet or telecommunication network (col. 1, lines 53-57) for efficient call routing.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Kalmanek above, and to include Kung's routing calls in multiple network no matter where the called party is located, having supported resources such that the call routing could be efficient.

Regarding **claim 20**, referring to Kung above, in col. 20, lines 41-49, that the broadband residential gateway 300 utilizes the H.gcp protocol.

Regarding **claim 21**, referring to Kung above for the system utilizes device control protocol is H.gcp.

Regarding **claim 22**, referring to examiner's comment in claims 16, 17, that Valentine-'546 teaches the control nodes for requesting resources from MGW in response to the call service request.

Regarding **claim 23**, referring to examiner's comment in claims 16, 17 above for the identifying one logical point for MGW, control node, in response to call service request.

Regarding **claim 24**, referring to examiner's comment in claims 16, 17 above for the H.gcp, the identified logical point for resources 80, 82 of the MGW.

6. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek in view of Valentine-'607, Joensuu, Valentine-'546, as applied to claim 16 above, and further in view of Graf (US 6,490,284 B1).

In the above, it does not clearly indicate the N-ISUP.

Regarding **claim 25**, Graf teaches the call control (abstract, figure in cover page) using narrowband integrated services digital network user part N-Isup (col. 7, lines 1-4, Fig. 1-3), for the separating the call control signaling information from the bearer control signaling information (abstract), for transmitting identification code (col. 6, lines 38-67). Graf teaches the separating the call control from bearer control, and using Isup, such that the resource could be independently supported (col. 2, lines 21-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Kalmanek above, and to include Graf's separating the call control from bearer control, and using Isup, such that the resource could be independently supported for efficient call routing.

7. Claims 26, 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek in view of Valentine-'607, Joensuu, Valentine-'546, as applied to claim 16 above, and further in view of Yang et al. (US 6,198,936 B1).

In the above, it does not clearly indicate the user plane transferred compressed within and between MGW.

Regarding **claim 26**, Yang et al. (also as Yang below) teaches the above features in Yang's claims 1-2, for the user plane in Fig. 1 and Fig. 3. Yang teaches the abbreviated information, plane point 41, for the user plane in Fig. 4). Yang teaches the transmitting medium access control MAC having the user plane (col. 6, lines 30-31), and the receiving user plane (in col. 6, lines 38-42). Yang teaches the transmitting and receiving the user control plane information, such that the system could improve the efficiency, and avoid the waste of radio resource caused by out-of-band signal by using assigned associated control channel (col. 2, lines 6-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Kalmanek above, and to include Yang's transmitting and receiving the control plane information, such that the system could improve the efficiency, and avoid the waste of radio resource caused by using assigned associated control channel.

Regarding **claim 27**, referring to examiner's comment in claim 1, above from Kalmanek, Valentine-607, for the wireless comm. network having at least one MGW, each MGW being adapted for routing user plane (Yang) and the MGW has resources for handling the call. Kalmanek disclose the control node having the application logic for call control to allow

pooling of the MGW resources under control of the application logic (Kalmanek's computer-readable medium having stored instructions in his claims 1, 8, 9, 14, 22-28, 36-42, 5-, 53, 57-60).

8. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kalmanek in view of Valentine-'607, Joensuu, Valentine-'546, Yang, as applied to claim 27 above, and further in view of Edson (US 6,526,581 B1).

In the above, it does not clearly indicate the interface between MGW and control node. Regarding **claim 28**, Edson teaches the interface, because Edson teaches the gateway 13 (figure in cover page) interface to plurality of external networks for the in-home networks, using software application program interface API (abstract, col. 3, lines 11-43). Edson provides a simple efficient common interface to external networks using gateway for in-home network, such that the communication could be efficient (col. 2, line 64 to col. 3, line 8). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention, essentially if not obvious, to modify Kalmanek above, and to include Edson's simple efficient common interface to external networks using gateway for in-home network, such that the communication link could be efficient by using the simple common interface.

Claim Objections

9. Claim 1 is objected to because of the minor language error "for a select destination", in line 5 of claim 1, is not correctly finishing the meaning. It is suggested that to make a correction to

"for a selected destination". For this office action, claim 1 is examined based upon the "selected destination". Appropriate correction is required.

Conclusion

10. In the above disclosure, Kalmanek discloses the setting up a call between calling and called party in a communication network with separation of call control and bearer control, for exchanging of messages for setting up the call for the call control, and the exchanging of messages for connecting the call for the bearer control. The call process is handled in a separate, distinct two phases. Kalmanek discloses the receiving a service request for a call, the request originating internal to the wireless comm. network, or external to the comm. network, because Kalmanek discloses the calling, called parties are located in different types of networks. Kalmanek disclose the call being intended for a selected destination for called party using the call setup is based on the gate allocation, gateID. Kalmanek discloses the analyzing the service request and the call origin in the process for authenticating the calling party's identity for authorizing the call service request. Kalmanek discloses the selecting at least one gateway by using the gate controller to initialize the gates with specific resource, destination, and bandwidth restriction, such that the broadband telephone interface BTI could be able to request resource allocations within the limits imposed by the gate controller. Kalmanek discloses the allocation of the gateway, the establishing of a gateID, and the gatesetup, for selecting one media gateway, to switch a user plane customer profile in data base 140, 141, for handling the call dependent on the result from Gate controller and Edge router's resource control in the resource allocation. Kalmanek discloses communicating with

the media gateway to setup bearer control for the call, because Kalmanek discloses the gate setup for call connection, the gateopen for connection, and the call start.

Valentine-'607 teaches the MSC sends IP address of the selected media gateway (74 or 76) for the call handover to reduce the further use of circuit connection. Valentine-'607 teaches the transmitting the request for IP network address from second MSC to corresponding media gateway, and the transmitting IP address from the second MSC to first MSC. Valentine-'607 teaches the first MSC transmitting the control message to media gateway to redirect speed call. Valentine-'607 provides the techniques for redirecting the IP network address for the call to reduce the circuit connections, such that the system could be operated efficiently by reducing the circuit connections.

Rautiola teaches the means to selecting a single gateway among gateways for handling call, based on the speed of data transmission at the gateway. Rautiola teaches the establishing of the connection between radio local area network and MSC having protocol conversion. Rautiola provides a solution for global call connection of the integrated networks based on the speed of data transmission, such that the selecting of the gateway connection could be reliable by considering of the speed capacity of the gateway.

Joensuu considers the centralized database having routing information and the GMSC for controlling the call (col. 2, lines 1-24), such that the system could be operated efficiently by retrieving the network address from the centralized data base independent of the relocation of the mobile station.

Valentine-'546 teaches the rerouting call to backup gateway, and the re-configuration of the backup gateway when primary gateway fails. The routing number is returning to the GMSC.

Valentine-'546 teaches the logical point gateway identifier is found for the backup gateway.

Valentine-'546 teaches the technique using a backup gateway, when primary gateway fails, such that the system could reroute the call using the backup gateway without dropping the call.

Kung teaches the announcement service AS server 220 utilizes the protocol from H.gcp.

Kung teaches the conference call service utilizes H.gcp protocol, the gateway resources such as, modem, translator and H.gcp. Kung provides routing calls in multiple network no matter where the called party is located, such that call could be controlled with call routing options and call forwarding option remotely via internet or telecommunication network for efficient call routing.

Graf teaches the separating the call control from bearer control, and using N-Isup, such that the resource could be independently supported.

Yang teaches the transmitting and receiving the user control plane information, such that the system could improve the efficiency, and avoid the waste of radio resource caused by out-of-band signal by using assigned associated control channel.

Edson teaches the simple efficient common interface to external networks using gateway for in-home network, such that the communication could be efficient.

11. The cited pertinent prior arts are listed below:

A. US 6,490,451 B1, December 2002, Dennman et al. teaches the wireless access gateway, the anchor packet gateway, the trunk media gateway, and the routing of the network address as shown in abstract, figure in cover page.

B. US 6,529,490 B1, Oh et al. teaches the handover of the mobile terminal from plurality of MSCs having service switching function, call control function for processing service request, abstract, figure in cover page.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Chow whose telephone number is (703)-306-5615.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)-305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to: (703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Charles Chow

March 28,2003.